



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/170651

PRELIMINARY RECITALS

Pursuant to a petition filed December 07, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Sheboygan County Department of Human Services in regard to Medical Assistance, a hearing was held on March 15, 2016, at Sheboygan, Wisconsin.

This hearing was originally scheduled for January 7, 2016. On the date of hearing, the Petitioner indicated that she was not feeling well and she asked to reschedule.

The hearing was rescheduled to February 9, 2016. Because the Petitioner was going into the hospital, she asked for another hearing date.

The hearing was then rescheduled to March 15, 2016, and took place on that date.

The issue for determination is whether the agency correctly ended the Petitioner's Medicaid benefits, effective December 1, 2016.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED], Economic Support Supervisor
Sheboygan County Department of Human Services
3620 Wilgus Ave.
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Sheboygan County.
2. On November 18, 2015, the agency sent the Petitioner a notice, advising her that effective December 1, 2015, she would not be enrolled in Medicaid because, she had too much income. The notice further advised the Petitioner that she could become eligible, if she met a \$5,185.98 deductible. (Exhibit 3)
3. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on December 7, 2015. (Exhibit 1)
4. Beginning October 2, 2015, the Petitioner began receiving \$1,476.00 per month in Social Security Income. Her income increased, due to the death of her husband. (Exhibit 2)
5. Petitioner is 76 years old and qualifies for social security income as a disabled widow. At the time the agency determined the Petitioner's eligibility, she was entitled to a \$345.08 cost of living disregard. (Exhibit 7)
6. Petitioner pays rent in the amount of \$713.00 per month. She has a heating expense. (Exhibit 3)
7. As of December 1, 2015, the Petitioner lost her Medicare premium assistance. As such, she would have had to have had an out of pocket medical expense for her Medicare Part B Premium. Per CWW records, that premium is \$121.80 per month. (See Exhibit 3)

DISCUSSION

Social Security income is considered when determining eligibility for healthcare/Medicaid. *Medicaid Eligibility Handbook (MEH) §15.4.10*. In determining eligibility there is a general deduction from reported income of \$20. *MEH §15.3.8 General Income Disregard*.

The categorically needy income limit is \$572.45 + actual shelter costs up to \$244.33. (For Petitioner this limit would be \$521.45 + \$244.33 = \$816.78) *MEH §39.4.1 - EBD Assets and Income Table*. The medically needy income limit for a household of one is \$591.67. *Id.*

If an individual does not meet the categorically needy income limit, his income is compared to the medically needy income limit. If the individual's income falls between the two income limits, he is eligible for Medicaid. *MEH §24.1*

Petitioner did not dispute the fact that she receives \$1,476.00 per month in Social Security Income. If one subtracts the \$20 general deduction and the \$345.08 cost of living disregard, the monthly income considered for Petitioner, for purposes of determining general financial eligibility is \$1110.92. This is over the \$816.78 categorically needy income limit and it is over the \$591.67 medically needy income limit. (See also Exhibit 6)

"When a Medicaid applicant is ineligible for Medicaid solely because she has income that exceeds the Medicaid medically needy income limit, he can become eligible by meeting the Medicaid deductible." *MEH §24.2* "The Medicaid deductible is the group's total excess monthly income over the 6 consecutive months of the Medicaid deductible period." *Id.* "Excess monthly income" is defined as the amount above the medically needy income limit. *Id.* No cost of living disregard is allowed, when calculating a deductible. *MEH §25.4*

In Petitioner's case the calculation would be as follows:

$\$1476.00 - \$20.00 - \$591.67 \times 6 = \5185.98

Looking at Exhibit 3, this is what the agency calculated.

CONCLUSIONS OF LAW

The agency correctly ended the Petitioner's Medicaid benefits, effective December 1, 2015.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 29th day of March, 2016

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 29, 2016.

Sheboygan County Department of Human Services
Division of Health Care Access and Accountability